
By: **Delegate Sophocleus**

Introduced and read first time: February 20, 2003

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Procurement - Exceptions - Maryland Developmental Disabilities**
3 **Administration**

4 FOR the purpose of excluding certain procurements by the Developmental
5 Disabilities Administration of the Department of Health and Mental Hygiene
6 from certain procurement requirements; requiring the Administration to
7 continue to attempt to achieve certain goals; and generally relating to
8 procurements by the Developmental Disabilities Administration.

9 BY repealing and reenacting, with amendments,
10 Article - State Finance and Procurement
11 Section 11-203(a)
12 Annotated Code of Maryland
13 (2001 Replacement Volume and 2002 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - State Finance and Procurement**

17 11-203.

18 (a) Except as provided in subsection (b) of this section, this Division II does
19 not apply to:

20 (1) procurement by:

21 (i) the Blind Industries and Services of Maryland;

22 (ii) the Maryland State Arts Council, for the support of the arts;

23 (iii) the Maryland Health and Higher Educational Facilities

24 Authority, if no State money is to be spent on a procurement contract;

25 (iv) the Maryland Higher Education Supplemental Loan Authority,

26 if no State money is to be spent on a procurement contract;

1 (v) the Maryland Industrial Training Program or the Partnership
2 for Workforce Quality Program in the Department of Business and Economic
3 Development, for training services or programs for new or expanding businesses or
4 industries or businesses or industries in transition;

5 (vi) the Maryland Food Center Authority, to the extent the
6 Authority is exempt under Title 13, Subtitle 1 of Article 41 of the Code;

7 (vii) the Maryland Public Broadcasting Commission, for services of
8 artists for educational and cultural television productions;

9 (viii) public institutions of higher education, for cultural,
10 entertainment, and intercollegiate athletic procurement contracts;

11 (ix) the Maryland State Planning Council on Developmental
12 Disabilities, for services to support demonstration, pilot, and training programs;

13 (x) the Maryland Automobile Insurance Fund;

14 (xi) the Maryland Historical Trust for:

15 1. surveying and evaluating architecturally, archeologically,
16 historically, or culturally significant properties; and

17 2. other than as to architectural services, preparing historic
18 preservation planning documents and educational material;

19 (xii) the University of Maryland, for University College Overseas
20 Programs, if the University adopts regulations that:

21 1. establish policies and procedures governing procurement
22 for University College Overseas Programs; and

23 2. promote the purposes stated in § 11-201(a) of this subtitle;

24 (xiii) St. Mary's College of Maryland;

25 (xiv) the Department of Business and Economic Development, for
26 negotiating and entering into private sector cooperative marketing projects that
27 directly enhance promotion of Maryland and the tourism industry where there will be
28 a private sector contribution to the project if not less than 50% of the total cost of the
29 project, if the project is reviewed by the Attorney General and approved by the
30 Secretary of Business and Economic Development or the Secretary's designee;

31 (xv) the Forvm for Rural Maryland;

32 (xvi) the Maryland State Lottery Agency, for negotiating and
33 entering into private sector cooperative marketing projects that directly enhance
34 promotion of the Maryland State Lottery and its products, if the cooperative
35 marketing project:

1 1. provides a substantive promotional or marketing value
2 that the lottery determines acceptable in exchange for advertising or other
3 promotional activities provided by the lottery;

4 2. does not involve the advertising or other promotion of
5 alcohol or tobacco products; and

6 3. is reviewed by the Attorney General and approved by the
7 Maryland Lottery Director or the Director's designee; [and]

8 (xvii) the Maryland Health Insurance Plan established under Title
9 14, Subtitle 5 of the Insurance Article; AND

10 (XVIII) THE MARYLAND DEVELOPMENTAL DISABILITIES
11 ADMINISTRATION OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR
12 SERVICES THAT DIRECTLY BENEFIT INDIVIDUALS WITH DISABILITIES IN
13 COMMUNITY-BASED PROGRAMS EXCEPT THAT THE ADMINISTRATION SHALL
14 ATTEMPT TO ACHIEVE THE GOALS AND COMPLY WITH THE REPORTING
15 REQUIREMENTS OF TITLE 14, SUBTITLE 3 OF THIS ARTICLE;

16 (2) procurement by a unit from:

17 (i) another unit;

18 (ii) a political subdivision of the State;

19 (iii) an agency of a political subdivision of the State;

20 (iv) a government, including the government of another state, of the
21 United States, or of another country;

22 (v) an agency or political subdivision of a government; or

23 (vi) a bistate, multistate, bicounty, or multicounty governmental
24 agency; or

25 (3) procurement in support of enterprise activities for the purpose of:

26 (i) direct resale; or

27 (ii) remanufacture and subsequent resale.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2003.